

By: Castro

H.B. No. 741

A BILL TO BE ENTITLED

AN ACT

relating to health education curriculum and instruction in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Texas Education Works Act.

SECTION 2. Section 28.004, Education Code, is amended by amending Subsection (e) and adding Subsection (m) to read as follows:

(e) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health advisory council and must:

(1) present medically accurate and age-appropriate information;

(2) present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;

~~[(2) devote more attention to abstinence from sexual activity than to any other behavior,]~~

(3) emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted

1 diseases, sexually transmitted infection with human
2 immunodeficiency virus, and [~~or~~] acquired immune deficiency
3 syndrome resulting from sexual activity [~~, and the emotional trauma~~
4 ~~associated with adolescent sexual activity~~];

5 (4) direct adolescents to a standard of behavior in
6 which abstinence from sexual activity before marriage is the most
7 effective way to prevent pregnancy, sexually transmitted diseases,
8 sexually transmitted [~~and~~] infection with human immunodeficiency
9 virus, and [~~or~~] acquired immune deficiency syndrome resulting from
10 sexual activity; [~~and~~]

11 (5) provide information about the health benefits,
12 effectiveness, and safety of methods approved by the United States
13 Food and Drug Administration for reducing the risk of contracting
14 sexually transmitted diseases;

15 (6) provide information about the health benefits,
16 effectiveness, and safety in preventing pregnancy of all
17 contraceptive methods approved by the United States Food and Drug
18 Administration;

19 (7) provide information on local resources for testing
20 for and obtaining medical care for sexually transmitted diseases;

21 (8) include strategies to promote effective
22 communication between adolescents and their parents and other
23 family members about human sexuality;

24 (9) address the economic and emotional requirements of
25 parenthood;

26 (10) encourage students to develop healthy life
27 skills, including goal setting, decision making, refusal and

1 negotiation, and effective communication;

2 (11) teach skills for making responsible decisions
3 about sexual activity, including how to avoid unwanted verbal or
4 physical sexual advances and how to avoid making unwanted verbal or
5 physical sexual advances;

6 (12) teach how drug and alcohol use may affect
7 responsible decision making; and

8 (13) help students develop healthy attitudes and
9 values concerning growth and development, body image, and
10 relationships [~~teach contraception and condom use in terms of human~~
11 ~~use reality rates instead of theoretical laboratory rates, if~~
12 ~~instruction on contraception and condoms is included in curriculum~~
13 ~~content~~].

14 (m) In this section:

15 (1) "Age-appropriate information" means information,
16 including topics, messages, and teaching methods, that is suitable
17 for the particular ages or age groups of children and adolescents to
18 whom the information is to be presented based on the developing
19 cognitive, emotional, and behavioral capacity of children or
20 adolescents of that age or age group.

21 (2) "Medically accurate information" means
22 information that is:

23 (A) verified or supported by the weight of
24 research conducted in compliance with accepted scientific methods;

25 (B) published in peer reviewed journals, if
26 appropriate; and

27 (C) recognized as accurate, objective, and

1 complete by mainstream professional organizations and agencies
2 with expertise in the relevant field, including:

3 (i) the Centers for Disease Control and
4 Prevention;

5 (ii) the American College of Obstetricians
6 and Gynecologists;

7 (iii) the American Academy of Pediatrics;

8 (iv) the American Public Health
9 Association;

10 (v) the American Academy of Family
11 Physicians;

12 (vi) the Infectious Diseases Society of
13 America; and

14 (vii) the American Psychological
15 Association.

16 SECTION 3. (a) A school district that uses textbooks or
17 other course materials that do not reflect the requirements
18 prescribed by Section 28.004(e), Education Code, as amended by this
19 Act, shall also use appropriate supplemental instructional
20 materials as necessary to comply with those requirements.

21 (b) A school district that permits a person not employed by
22 the district to present one or more components of the district's
23 human sexuality instruction must require the person to comply with
24 the requirements prescribed by Section 28.004(e), Education Code,
25 as amended by this Act.

26 SECTION 4. This Act applies beginning with the 2009-2010
27 school year.

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.